

ORDINANCE NO. 08-39

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 22. M-1 INDUSTRIAL DISTRICT, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-1371 ENTITLED "PERMITTED USES" TO INCLUDE AUTOMOBILE, MOTORCYCLE AND TRUCK STORAGE AS A PERMITTED USE AND TO PROHIBIT THE OPERATION OF A STORAGE FACILITY FOR AUTOMOBILES, MOTORCYCLES OR TRUCKS, LOCATED OUTSIDE THE ASD AUTOMOTIVE SALES DISTRICT, AS A COVER FOR INTERNET SALES OR RENTALS OR SALES OR RENTALS BY OTHER MEANS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 9, 2008 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to identify automobile, motorcycle or truck storage as a permitted use in the M-1 Industrial District and to provide a prohibition against the use of an automobile, motorcycle or truck storage facility, located outside the ASD Automotive Sales District, in connection with internet sales or rentals or sales or rentals by other means.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District

Regulations, Division 22. M-1 Industrial District, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-1371 entitled "Permitted uses", to read as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 22. M-1 INDUSTRIAL DISTRICT

Sec. 98-1371. Permitted uses.

- (a) In the M-1 industrial district, the permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and/or enclosed by a masonry wall with a minimum height of eight feet when the work is of a nature to be performed outside of a building. General conditions of the M-1 industrial district also require that where there is storage of materials or products outside the building and where the property abuts or is adjacent to property zoned commercial or industrial, the materials or products may be enclosed by a wall, fencing or other suitable material ~~which~~ that effectively obscures the public view from the outside, reduces noise and conforms to the aesthetics of the surrounding area. The permitted uses of the M-1 industrial district are the following:

* * *

(18) *Automobile, motorcycle and truck storage.* If the storage facility or location is outside the geographic limits of the ASD automotive sales district, the property owner, business owner or operator cannot avoid the prohibition against conducting automobile, motorcycle and truck sales and/or rentals by selling or leasing the stored inventory of automobiles, motorcycles or trucks via the internet, telephone, mail or other means of communication whether it occurs on the premises or from a different location.

(1819) All automotive uses on property zoned industrial shall be equal to or exceed 3,000 square feet of floor area.

Section 2: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: **Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

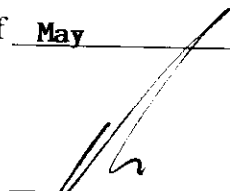
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. All licensed jewelry businesses shall comply with the revised requirements set forth in this ordinance within 24 months from the effective date of this ordinance.

PASSED AND ADOPTED this 13th day of May, 2008.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



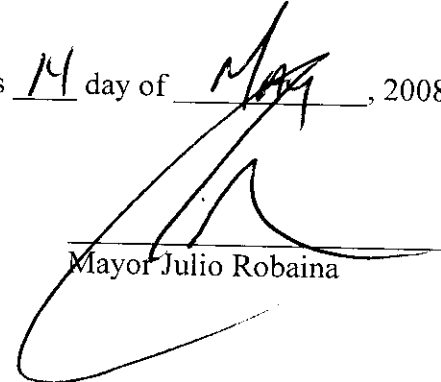
Esteban Bovo
Council President

Attest:

Approved on this 14 day of May, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.